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Agricultural Situation

EP Environment Committee voted on pesticide package

2008

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Report Highlights:

The Environment Committee of the European Parliament voted on the pesticide package in second reading on November 5, 2008. Overall, the Committee stuck to most of the EP first Reading demands but also toughened its stance by voting through amendments which were rejected by the EP Plenary in the first reading. The main outstanding issue in the initial Commission proposal regarding the marketing and use of Plant Protection Products (PPPs) was the establishment of approval criteria that are based on hazard identification rather than risk assessment, or so called 'cut-off criteria'. Another outstanding issue was the mutual recognition of authorizations for PPPs by Member States (MS). The proposal suggested the definition of three geographical zones for the authorization of PPPs and the compulsory mutual recognition of authorizations in MS belonging to the same zone. Negotiations will take place with the Council before the plenary vote in Parliament scheduled in January 2009.

Includes PSD Changes: No
Includes Trade Matrix: No
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Background

The main aim of the proposal, which will replace the existing legislation Council Directive 91/414/EEC, is to facilitate the current approval and authorization procedures of Plant Protection Products (PPPs) and to increase harmonization while maintaining a high level of protection for humans, animals and the environment. The second draft proposal concerned the sustainable use of pesticides.

The main outstanding issue in the initial Commission proposal is the establishment of approval criteria that are based on hazard identification rather than risk assessment, or so called 'cut-off criteria'. This hazard-based approach does not take any levels of exposure into account. The general concern of some of the Member States and the EU crop protection industry is that this would lead to a large reduction in crop protection solutions, with less products being authorized and for only a limited number of applications. It would also have an effect on producers outside the EU, since it would force them to either abandon the EU market or switch to other substances in order to ensure their marketing opportunities.

Another outstanding issue was the mutual recognition of authorizations for PPPs by Member States. The proposal suggested the definition of three geographical zones for the authorization of PPPs and the compulsory mutual recognition of authorizations in Member States belonging to the same zone.

Results of the ENVI committee vote on the dual pesticide package

The Environment Committee (ENVI) of the European Parliament voted on the pesticide package in second reading on November 5, 2008. Hopes that the Committee would soften its stance in the ongoing negotiations with Council came to nothing. Overall, the Committee stuck to most of the EP first reading demands but also toughened its stance by voting through amendments which were rejected by the EP Plenary in the first reading.

The European parliament's environment committee has reaffirmed its first reading position on plans to revise **EU pesticide approval rules**. A positive list of approved "active substances" (the chemical ingredients of pesticides) is to be drawn up at EU level. Pesticides will then be licensed at national level based on this list.

- "Cut-off" criteria

The EP already backed these so called "cut-off criteria" in its first reading in order to ban toxic "active substances" (e.g. carcinogens & endocrine disruptors) instead of performing a risk assessment. According to the EP Environment Committee, pesticides which are neuro-toxic or immuno-toxic should be banned as well. The committee accepted derogations for carcinogenic and reprotoxic substances as proposed by EU governments, but only under stricter conditions. MEPs (Members of the European Parliament) also dropped a stricter definition of persistent organic pollutants approved at first reading.

The continued use of such products is allowed for 4 years to fight a particular plant health danger. However, this is more stringent than the 5-year derogation proposed in its first Reading. Restrictions are also foreseen for substances which are shown to be toxic to bees, but new controls to ensure active ingredients are non-toxic to bees may also provoke disagreement.

- Candidates for substitution

Products containing certain hazardous substances ("candidates for substitution") are to be replaced if safer alternatives exist. The Committee also backed a quicker "substitution" period, voting that "candidates for substitution" without an alternative should be

replaced within 2 years instead of the 5 years as originally proposed. The overall aim is to encourage the use of the less toxic substances or of non-chemical alternatives.

- Three geographical zones

The Committee rejected the Commission concept of dividing the EU into three zones (north, centre and south) with mutual recognition by Member States within each zone (reflecting climatic variations) for the second time. Instead the position of a single zone was adopted for the whole of the EU, although individual States would be allowed to ban pesticides due to local environmental conditions.

Two ideas to assist PPPs for “minor uses” such as for fruit & vegetables were added, calling on the Commission to propose a new fund for promoting at EU level PPPs for minor uses and for easing bureaucracy on approvals PPPs for minor uses.

On the second draft Directive concerning the **sustainable use of pesticides**, the Committee insisted that national action plans for cutting pesticide volumes should set quantitative targets reducing the volume of “active substances of very high concern” with 50 % by 2013. This is likely to be the biggest stumbling block in forthcoming negotiations with council. Another controversial move is the inclusion of the right for Member States to introduce a pesticide levy to further encourage a move away from the most toxic and harmful products.

In general, Aerial crop spraying will be banned with exceptions subject to approval by the authorities. The Environment Committee rejected The Council’s idea to allow Member States to lay down that if the authorities do not respond within a set time to an application to spray, the application is deemed approved (“tacit consent”). Member States may also demand that neighbors will be informed in advance if spraying will take place.

MEPs reiterated the need for buffer zones around water courses with stricter rules applicable where there is drinking water. The Committee added that a Member State can establish pesticide-free zones that cover the whole Member State. Pesticide use around parks & playgrounds and hospitals must be kept to a minimum, as “substantial no spray zones” are to be established.

Status of pesticide package (see table below)

The initial Commission proposal regarding the marketing and use of Plant Protection Products (PPPs) was submitted to the Council and the European Parliament in July 2006.

The European Parliament completed its first reading in October 2007, and the Commission issued an amended proposal on March 11, 2008. The Council reached a political agreement on the common position at the June 2008 Agricultural Council.

Following the Environment Committee’s vote on the two reports in second reading on November 5, 2008, negotiations with council on the two draft pesticide laws will now proceed before a plenary vote in Parliament scheduled on January 13, 2009.

Status of pesticide package

Co-Decision Procedure Step-by-Step	Status of Pesticide Proposal
The draft proposal has been notified to the WTO on August 2, 2006 as G/SPS/N/EEC/289	
First Reading	
Commission presents proposal to EP and Council	July 12, 2006 COM(2006)0388
EP committee responsible adopts draft report on Commission proposal (making amendments to the proposal)	April 13, 2007 (ENVI Committee)
First reading vote on legislative proposal in EP plenary session on the basis of the EP committee report	October 23, 2007
Amended Commission proposal taking into account the amendments of the Parliament	March 11, 2008 COM(2008)0093
- If Council agrees with the outcome of the EP's first reading vote, the legislative text is adopted. - If Council does not accept the EP's first reading vote, the proposal goes to the second reading phase	To second Reading
Second Reading	
If the Council does not accept the amendments made by the EP in first reading, it adopts a "common position"	September 15, 2008 Common position and Add. 1
EP committee responsible examines the Council's common position and makes its recommendation	September 18, 2008-11-06 Draft recommendations (amends common position)
Second reading vote in EP plenary session based on the EP committee's recommendation - If EP may rejects the common position, examination of the dossier may be resumed only on the basis of a new Commission proposal - EP proposes amendments to the common position	Scheduled for January 13, 2009
Commission must issue an opinion on the EP amendments	
- If Council accepts all EP amendments, the act is adopted - If Council does not accept all amendments, a Conciliation Committee is convened	

Related reports on pesticides and MRLs from USEU Brussels:

Report Number	Title	Date Released
E48070	Political agreement on new pesticide proposal	6/26/08
E48060	EU Council stalls pesticide review	05/23/08
E48007	The EU harmonization of MRLs: update	01/17/08
E47072	Pesticides update: draft temporary MRL list published - 2007	8/17/07
E36149	UPDATE ON EU PESTICIDE MRLs	12/21/06
E36054	Update on the EU Pesticide MRL Harmonization	04/04/06
E35016	EU Pesticide MRLs Harmonized Shortly	02/03/05

These reports can be accessed through our website
<http://useu.usmission.gov/agri/pesticides.html> or through the FAS website
<http://www.fas.usda.gov/scriptsw/attacherep/default.asp>.